

SUCCESSFUL REFERTILIZATION OF A MAN WHO HAD BEEN STERILIZED SEVEN YEARS PREVIOUSLY

A Contribution to the Practice of the German Eugenic Courts
(Erbgesundheitsgerichte)

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A CRITICAL screening of cases to which the German Sterilization Act of 1933 had been applied* revealed a most interesting case from the files of the Health Department in D. of a refertilization after seven years of sterilization.

Genetic Background

The ancestors of Walter A., born in 1913, were undoubtedly afflicted with hereditary taint: Of his grandfather, born in 1854, it was said that he was mentally ill and that he committed suicide in 1932. The grandmother, who died in 1937, was regarded in the village as an odd person.

Of the three male children of this couple, one was normal, another was regarded as odd; the third brother, father of our Walter A., born in 1884, was a patient in the mental hospital of Halle/S., because of schizophrenia. He had passed through the elementary school and received some elementary training as a chimney mason. At present, he lives on his disability pension. His first marriage was to a woman who had a "nervous" condition, also evinced by her two brothers. A second marriage, contracted after the death of his first wife, was childless.

During the first marriage of the chimney mason, four children were born:

1. Walter A. (our patient)
2. Nikolaus A., born in 1919, and the twins
3. Anna and
4. Hans A., born in 1922.

Hans A. was normal; he was killed during the war at Stalingrad. His twin sister, Anna, suffered from rickets as a child, apart from which she was never sick. In the elementary school she was the best of her class. In December 1938 a mental disorder developed and she was admitted to the University Hospital of Göttingen. As she was capable of bearing children, the Erbgesundheitsgericht of Göttingen decided for sterilization on March 21st, 1939 because "there was no doubt about the endogenous origin of her condition." Sterilization was performed on October 10th, 1939 because of manic-depressive insanity.

In the case of Nikolaus, born in 1919, the health officer had applied for sterilization on June 6th, 1936 because of "congenital mental defect." From childhood Nikolaus had been hard of hearing. He failed in two classes at school. He did not finish vocational training and worked in different places as a farm hand. The application for sterilization was based on the hereditary taint in the family and on the hearing defect which, too, was stated to be hereditary. When he left school in 1936 an intelligence test suggested a minor but definite degree of hereditary mental defect. On September 10th, 1936 a further test by the Erbgesundheitsgericht of Hildesheim showed retardation, and the court regarded Nikolaus as a borderline case. On October 13th, 1936 the Erbgesundheitsgericht of Göttingen rejected the application for sterilization, because of the results of a third intelligence test, in which he acquitted himself well:

* EUGENICS REVIEW, 1955, 46, 227-32. "The German Sterilization Act of 1933" by Hans Harsmen.

With respect to these findings, the court could not be convinced of the existence of congenital defect, as defined by law in §1, section II, point 1 in the German Sterilization Act of July 14th, 1933. Thus, the application for sterilization was to be rejected.

Nikolaus is living in an industrial district. He is married and has a boy of two years, who is also hard of hearing but accessible.

Grounds for Sterilization

Sterilization of Walter A. (our patient) had been applied for by the Health Department in November 1935 because of congenital defect and with regard to the fact that he had been brought up in the Vincent Convent, having been discharged from the second grade of a school for handicapped children. On February 15th, 1928 a certificate of a private school of the same kind as the St. Vincent House stated:

Walter A. is very hard of hearing, but endowed with normal abilities. He has been an inmate of our institution since April 19th, 1926 as a member of a class for handicapped children third grade (Hilfsschule) and will advance to the next grade at the end of the school year. He is well behaved and ambitious and will succeed well in school because of his intelligence. During the two years at our school he learned to read Gothic and Latin print with some fluency. He has been able to understand subjects dealt with during lecture hours. He has learned to calculate between one and a thousand. In painting he has special abilities as shown by some of his drawings from a model which he performed without help. The formed character of his handwriting shows his ability for the job which has been chosen for him. Furthermore, his manual skill and his practical understanding will be very helpful. We can give our best recommendations for him.

In the decision of the Erbgesundheitsgericht of Hildesheim (December 19th, 1935) the following was stated:

He is trained as a painter and works in this trade. The intelligence test shows defect, although of a minor degree. As A. comes from a family which is considerably afflicted with hereditary diseases, the diagnosis "congenital mental defect" cannot be doubted. Therefore, the Sterilization Act is applicable.

On February 12th, 1936 sterilization was carried out in the Municipal Hospital of Hildesheim by resection of the spermatic

ducts. The patient was discharged from the hospital on February 20th, 1936.

The Case Reopened

Seven years later, on March 21st, 1943, A. applied for the reopening of his case. He was now twenty-nine years old and asked

to undo the whole matter, that I may be able to marry a healthy girl. I have felt unhappy and neglected since that time, and I do not have any chance of marrying.

In August 1943 he presented himself for an intelligence test at the State Health Department at Hanover and showed a large number of mostly good certificates from former employers. In a medical statement of August 18th, 1943 the health officer wrote:

Among other features, facial expression, attitude and handwriting do not suggest the presence of mental defect. Some of the tests showed an intelligence above the normal level. Mental defect, as defined by the law, cannot be diagnosed. Socially, he is well adjusted and he has received good reports from his employers. Knowing that he is not mentally defective, he is troubled by the fact that he has been sterilized. I refer to the report of the school in Cloppenburg of February 15th, 1928 which described him as a normally gifted, ambitious and diligent boy. The reports of his master-tradesmen were quite similar, for instance: "A. was a very diligent, prudent, reliable fellow. I could put him in charge of any job. He was very well liked by his co-workers and by the customers."

In a session of December 14th, 1943 the Erbgesundheitsgericht of Göttingen decided to quash the decision of December 19th, 1935 which had ordered the sterilization. In the argument the court stated:

Walter A. is extremely hard of hearing, which makes communication very difficult and easily creates a wrong impression of his knowledge and abilities. His outward appearance does not give the impression of a mentally defective person. On the contrary, A. looks normal, he is active and self-confident. The State Health Department of Hanover has stated that A. does not show mental defect as defined by the law. In the examination A. made an impression of keenness and intelligence. In some fields his intelligence was found to be above normal. He answered promptly, was interested, attentive and able to think logically. In calculations his ability was average. Gaps in his formal knowledge could easily be caused by the fact that he attended, for a period of six years, a school for

children with normal hearing. Because of his poor hearing, this school was certainly of no use for him. Only during the last two years of his education did he go to a private school for handicapped children in Cloppenburg where he received more specific help. . . . Altogether, it cannot be said that A. is mentally defective, even though the family background is unfavourable. Therefore the decision of the Erbgesundheitsgericht in Hildesheim of December 19th, 1935 must be quashed as no hereditary defect in fact existed.

After this decision, Walter A. asked for a certificate of his hereditary health. Before the quashing of the above-mentioned decision, he had married a girl who was deaf and dumb. As shown by several letters to the health department, this marriage was unhappy: "My wife is deaf and dumb, her conduct is unnatural. She does not care for me, which makes me suffer very much. She refuses sexual intercourse. In daily life she is unfriendly to me; this started after our marriage." The health department answered that Walter A. could not ask the government and the ministry for permission to marry a healthy girl without first being divorced.

In July 1944 Walter A. sat for the masters examination of his guild and passed successfully.

On December 1st, 1944, in the Chirurgische Poliklinik at Göttingen, this man's reproductive capacity was restored by a suture of the spermatic ducts on both sides. After primary healing of the wounds, the patient was discharged and kept under observation for two weeks.

Marriage and a Family

On January 24th, 1946 he was divorced from his first wife. On March 30th of the same year he applied for a certificate permitting him to marry a healthy girl, which

he did on April 20th, 1946. Of this second marriage four children were born: A daughter, Minna, born in 1947 and now eight years old, is a delicate but normal and attractive girl who already cares for her brothers and sister and shows domestic skill. At school she had difficulties with learning and had to repeat the first grade; the mother helps her with lessons. The son, Hans, now five years old, was born in 1950; he is healthy and has good intelligence and will enter school at Easter. Manfred, born in 1953, is delicate, but helps to take care of his eight months old sister. He seems to be quite normal, though he does not yet speak much. In 1955 Bernadette was born, a fragile and pale but lively girl.

All children hear well. The public health nurse reports that home conditions are good.

Conclusions

The case of Walter A. is of interest from two points of view. First, it shows that a diagnosis of "hereditary mental defect" should be made with great caution in adolescents. It is specially noticeable that among the cases of sterilized adolescents, re-examination of the decisions by Erbgesundheitsgerichte showed a considerable number of retardations in otherwise normal children. A capacity later to make a good social adjustment—as in our case—provided the motivation for seeking a quashing of the court order for sterilization.

Secondly, it seems remarkable that refertilization, even after a long time, is not as hopeless as is commonly believed. In the case here described the operation, even after a period of seven years, had the desired result and was successful in restoring fertility.
